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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,797	04/23/2007	Detlev Wittmer	WITT3007/FJD	4926

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EXAMINER
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LE BOULLUEC, MICHAEL E

ART UNIT	PAPER NUMBER
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2856

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/572,797	<b>Applicant(s)</b> WITTMER, DETLEV	
	<b>Examiner</b> MICHAEL LE BOULLUEC	<b>Art Unit</b> 2856	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 5-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 10/572,797.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>22 March 2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Acknowledge that claims 1-5 have been cancelled by the preliminary amendment filed 22 March 2006.

#### ***Priority***

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 11/572797, filed on 22 March 2007.

#### ***Drawings***

3. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are not reproducible when copied into electronic format; the drawings require more detail to facilitate understanding of the claimed invention as detailed in the specification. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### **INFORMATION ON HOW TO EFFECT DRAWING CHANGES**

#### **Replacement Drawing Sheets**

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Art Unit: 2856

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

### **Annotated Drawing Sheets**

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

### **Timing of Corrections**

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

## ***Specification***

### **Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

***Claim Objections***

4. Claim 10 is objected to because of the following informalities:

– “A pluggable module” should be “The pluggable module”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by the applicant's admitted prior art.

The applicant's admitted prior art discloses a pluggable module for a liquid- or gas- sensor (page 1, lines 1-2), which sensor includes a sensor module (page 2, line 31) and a sensor module head (page 2, lines 31-32). The sensor module head measures potentials (page 1, lines 29-30) of fluids (page 1, line 19), temperatures (page 1, line 24), and converts these measurements to digital measurements (page 2, lines 3-8) for transmitting (page 2, lines 32-33) to the sensor module head; the sensor module head being pluggably connectable to the sensor module (page 2, lines 31-32); and when plugged together, exchange data and energy (page 2, lines 32-34) via a galvanically decoupled (page 2, line 35), transfer zone (page 2, line 34) which is visible on a sensor module display (page 2, lines 29-30). The sensor module stores measurements (page 2, line 35 to page 3, line 1) and calibration parameters (page 3, line 2) from the sensor head module communicating these results via a cable (page 2, line 12) and wireless (page 2, lines 14-15) devices to a remote control room (page 2, lines 18-19) where the results will be displayed.

Art Unit: 2856

7. Claims 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Thornberg et al. (US Pub. 2003/0224523).

Regarding claims 6, 8, and 9, Thornberg et al. teach a pluggable module ("**analyzer device 24**", para. 26, line 1) for a liquid- ("**The fluid sample**", para. 24, line 1), or gas- sensor, which sensor includes a sensor module ("**The cartridge 26 includes a base structure 50, preferably constructed of a polymer material such as a polycarbonate. The base structure 50 holds or is a housing for a substrate 52. In preferred applications, the substrate 52 is a ceramic substrate. The base structure 50 defines at least one fluid channel 54, which accommodates a sensor arrangement 56**", para. 34, line 2 to para. 35, line 2) and a sensor module head ("**cartridge 26**", para. 24, line 2), which are pluggably connectable together ("**The cartridge 26 is pluggable or insertable into the analyzer device 31 at the cartridge receiving area 32**", para. 27, lines 3-5) and which enable, when plugged together, an exchange of data ("**The conductors 60 allow for electrical communication between the cartridge 26 and the analyzer device 24, and include input and output conductors**", para. 36, lines 5-7) and energy via a galvanically decoupled, transfer zone ("**The cartridge 26 further includes a conductor arrangement 58 in electrical contact with the sensor arrangement 56. The conductor arrangement 58, in the one shown, includes an array of functional electrical conductors 60**", para. 36, lines 1-3), wherein:

- has a display unit ("**an output display 40 and a battery case 42. In some instances, the device 31 can include a printer system**", para. 27, lines 11-13), which serves for display of sensor data stored in the sensor module;
- has a fieldbus interface ("**system compatible with plugging into a hospital monitor 28**", para. 26, lines 8-9), via which access to sensor data stored in the sensor module occurs ("**Monitor 28 is integrated with other information from the patient 22 in a main database 30**", para. 26, lines 5-6);
- has a simulation unit, which produces an analog signal value ("**in the sensor arrangement 56**", para. 75, line 28), which corresponds to a predetermined measured value ("**Selected ones of the sensors in the sensor arrangement 56**

Art Unit: 2856

**are then calibrated"**, para. 72, lines 1-2) and which is converted in a signal processing unit into a digital measured value, which is forwarded to the sensor module head ("**The analyzer 31 then evaluates the characteristics of the blood through the sensor arrangement 56. The results are then displayed on the display 40 integrated by way of monitor 28 into patient database 30**", para. 75, lines 30-31.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claim 10 is rejected under 35 U.S.C. 103(a) as being obvious over the applicant's art at time of the invention.

Regarding claim 10, the applicant's admitted prior art discloses the invention as claimed above, however does not specifically teach a the pluggable module is embodied in the form of a key-ring pendant. At the time of the invention, it would be have been obvious to connect the pluggable module of the applicant's admitted prior art to a key-ring since this would reduce the chance misplacing the module. This concept is well established in the art of data storage medium such as flash drives, etc and as such, official notice is taken of this concept.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL LE BOULLUEC whose telephone number is (571)270-3892. The examiner can normally be reached on Monday-Thursday from 7:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams, can be reached on 571-272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michael Le Boulluec/ 24 June 2008

Examiner

/Hezron Williams/

Supervisory Patent Examiner, Art Unit 2856